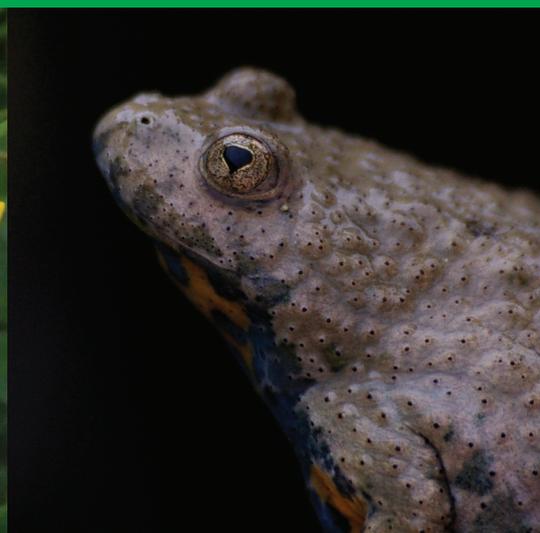


RESTORE

MINERAL SITE RESTORATION: 'POLICY INTO PRACTICE

Action 1a Report: Mineral Planning and Restoration Approaches in NW Europe



June 2015



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RESTORING MINERAL SITES FOR BIODIVERSITY, PEOPLE AND THE ECONOMY
ACROSS NORTH-WEST EUROPE



Working together to give nature a home



NORTH WEST EUROPE: the territorial context

The work of RESTORE is strongly rooted in a sense of place. The Interreg B North West Europe (NWE) Programme 2007-13 “cooperation area” consists of part, or the whole, of eight countries: Belgium, France, Germany, Ireland, Luxembourg, Netherlands, UK and Switzerland. As such it covers around 20% of the total EU27 (as was at the beginning of the programming period) land area but is, at the same time, home to more than 182 million people; in other words almost 40% of the EU27 population. It is largely urban or peri-urban and densely populated with 75% of the population living in built-up areas. At the same time, there are highly valued more sparsely populated rural and coastal areas. Pressure on land is considerable, and multi-functional land use is typical of many parts of the territory. Land values are often high; competition for land is often intense; planning challenges and planning solutions are both complex and ever shifting.

The NWE economy is strong and resilient even in times of general economic difficulty. There remains a clear differentiation between the EU average prosperity level and that which applies in the NWE area. In this sense it is often seen as a “driver” economy with potential to bring economic benefit to a wider area – this applies both in terms of trading opportunities and fiscal contributions to regional or national administrations. The area is home to a number of world class businesses and financial institutions as well as centres of academic excellence. Workforce qualification and earning levels are far in excess of the EU average.

Seven years onwards from the start of the 2007-13 programme and the draft cooperation plan for the 2014-20 programme is still able to assert that, “The NWE area hosts an impressively high number of Europe’s leading places for economic performance and growth. It comprises a number of the main metropolitan areas in Europe, which play an important role in a worldwide perspective”. It is equally clear about the particular advantages that the area still enjoys in terms of the opportunities for innovation, its highly skilled workforce, and its potential for further economic growth. It summarises the area as “one of the most dynamic and prosperous in Europe”.

The economic focus is appropriate in the context of RESTORE and this report, not only is EU policy increasingly emphasising the importance and centrality of economic growth and recovery, but it is also important not to remember that mineral extraction is essentially an economic activity. Nevertheless, alongside this strong economic focus there is an imperative to ensure that this growth is truly “sustainable”. The 2014-20 programme SWOT highlights land use issues and land cover change as well as the continuing loss of biodiversity. It baldly states the need to decouple economic growth from material consumption.

One needs also to be wary of adopting too broad brush an approach, there is not complete homogeneity across the programme area, (and not just in terms of urban, peri-urban and rural differentiations). The area is full of contrasts, with the most thriving cities in Europe but a big socio-economic diversity among – and sometimes within – regions and complex challenges in terms of ensuring the inclusiveness and comprehensibility of this broader prosperity. As the 2014-20 draft programme document summarises it: “one of the main challenges for the NWE area is to manage excellence and diversity at once”.

When all of these factors are considered in the round, it is clear that the NWE programme area is distinct. It enjoys particular advantages and has clear existing strengths and opportunities to build upon these. It also faces particular challenges. Its sheer overall strength should not blind us to the extent of those challenges, nor should it be overlooked that success brings its own problems. It is the understanding and combating of those challenges that lie at the very heart of the RESTORE project, itself very much a product of North West Europe.

EU LEVEL: the policy context

EUROPE 2020

Increasingly any reference to EU level policy must be made to show how it sits within the broadest policy framework of all – the Europe 2020 Agenda. EU2020 is designed as a ten year strategy with a very strong focus on growth and jobs. Albeit very much influenced by the economic crisis, it also attempts to go beyond “recovery” and set out a much broader growth strategy for the EU as part of a global economy.

All other EU policy and strategy is supposed to radiate from – or at least sit in accordance with – EU2020 targets, priorities and focuses. And indeed, its influence and centrality, extends beyond policy into practice in the form of the way in which funding programmes are shaped and by the inclusion of specific “flagship initiatives” within its provisions. The 2014-20 Cohesion Funds for example are explicitly designed to fit against EU2020 and each programme is arranged against a set list of EU2020 “thematic objectives”. The Interreg NWE successor programme for 2014-20 is no exception to this general rule, and in this way it is intended that each project make a direct contribution towards EU2020 goals.

Growth for the purposes of EU2020 is looked upon as having three key dimensions: smart, sustainable and inclusive growth – albeit they are “mutually reinforcing. By way of definitions:

- Smart growth – developing an economy based on knowledge and innovation;
- Sustainable growth – promoting a more resource efficient, greener and more competitive economy. (and including the Flagship Initiative “Resource Efficient Europe”; and
- Inclusive growth – fostering a high-employment economy delivering economic, social and territorial cohesion.

In the context of the RESTORE project, the particular relevance and resonance of sustainable growth has already been highlighted, but all three dimensions apply.

A brief look backwards to two key predecessor initiatives may help root the context of what is being talked about. And anyway a backwards look is relevant here as the RESTORE project was conceived at just the point when EU2020 was being developed and it is happening at exactly the cusp point between the 207-13 and 2014-20 programming periods.

THE LISBON STRATEGY/AGENDA

The Lisbon Strategy, adopted in 2000, was aimed at boosting the competitiveness and knowledge-intensity of the EU economy by, among other things, increasing investment in innovation. The strategy was re-launched in 2005 with a stronger focus on growth and jobs (and as such eased the way towards EU2020) and the introduction of national reform programmes in individual EU Member States.

It was a key determinant of the content and focus of 2007-13 Interreg (or more correctly “European Territorial Cooperation”) programmes with the link between Cohesion Policy (for which Interreg is designed as a key driver) and the Lisbon and Gothenburg Strategies strengthened. In this way it was intended that funding went to support projects that contributed to the two strategies.

THE GOTHENBURG STRATEGY/AGENDA

The Gothenburg Strategy adopted in 2001 focused on sustainable development, i.e. meeting the needs of the present without compromising the ability of future generations to meet their own needs. This was followed by a more comprehensive Sustainable Development Strategy for an enlarged EU in 2006. For many it operated as one side of a two-sided coin with Lisbon being the “head” or “tail” depending upon one’s starting point. That approach reflects the notion of balancing potentially competing priorities – often expressed in terms such as “maximising growth whilst minimising the ecological footprint” or similar.

Moving forward in time, there follows below detail of a few of the key policy instruments which have either being developed in the context of EU2020 or have been revisited and refreshed in that context.

THE TERRITORIAL AGENDA 2020 (TA2020)

Agreed in 2011, this policy – and its telling subtitle “Towards an Inclusive, Smart and Sustainable Europe of Diverse Regions” – sets out to place the broad EU2020 policy in a more territory-specific context, describing itself as an “action oriented policy framework”. That sounds like a bridge from policy into practice and so it is, and as such very much in line with WP1 of RESTORE.

The agenda addresses the sheer complexity and diversity of the sorts of challenges being faced in different parts (territories) of Europe and how new, and varied, responses must be developed. It highlights climate change and environmental risks and specifies changing natural hazards and the ongoing need to develop a low-carbon economy. It reaffirms that “Natural and cultural heritage are parts of territorial capital and identity” and reminds policy makers and practitioners that “Ecological values, environmental quality and cultural assets are crucial to well-being and to economic prospects and offer unique development opportunities”. Self-evidently this is all highly relevant in the context of mineral extraction and site restoration.

THE 6TH TERRITORIAL COHESION REPORT (ECONOMIC, SOCIAL AND TERRITORIAL COHESION)

EU Cohesion Policy drives – and has driven – many facets of EU actions over a long period. It is normally conceived of as consisting of three overlapping dimensions – economic, social and territorial. It is in turn rooted in EU Treaty principles about equalising conditions across EU Member States so as to form a cohesive whole. Cohesion Policy has long used Structural Funds (what is now the European Structural and Investment Funds [ESIF]) as one key mechanism to deliver its aims. Interreg (European Territorial Cooperation)) programmes form part of ESIF so there is a direct link and relevance here to RESTORE – with Cohesion Policy itself increasingly coming within the orbit of EU2020 as we have already seen.

The EU publishes periodic progress reports on work towards achieving Cohesion Policy goals of which the most recent (the sixth) appeared in July 2014. As well as weaving itself ever more tightly into the EU2020 context the sixth report highlights continuing policy and practice challenges around issues such as climate change, land use and improving Eco-systems and reducing environmental impacts.

THE 7TH ENVIRONMENTAL ACTION PLAN (7EAP)

Similarly to Economic, Social and Territorial (Cohesion) policy, the EU has long had in place environmental policy – with accompanying strategies and legislation. Since 1973 it has published a series of action plans to give a framework for this work. The most recent of these (the seventh) was published by the European Parliament and Council in 2013 with the title “living well, within the limits of our planet”. It reminds us that much of what was contained in previous plans remains apposite and embraces the findings of the European Environment Agency report entitled ‘The European environment – state and outlook 2010’ (‘SOER 2010’). This is a key reference point and a document of particular relevance to the RESTORE project when considering country by country similarities and differences in policy framework and implementation.

7EAP reaffirms the relevance of existing EU priorities around, inter alia, greenhouse gas emission levels; biodiversity loss and degradation of ecosystem services; halting global forest cover loss; water quality; air quality; waste management; land degradation and the shift towards a green economy. All are clearly pertinent to mineral site restoration and the areas of best practice the project is looking to develop and/or showcase.

EU BIODIVERSITY STRATEGY

The EU Biodiversity Strategy (to 2020) follows on from the 2006 Biodiversity Action Plan. In 2011 the European Commission tabled the 'Our life insurance, our natural capital: an EU biodiversity strategy to 2020' in the form of a "Communication". This was adopted by the European Parliament in 2012 in the form of a resolution which acknowledged – and deplored – the “failure to meet the EU 2010 Biodiversity goals”.

The resulting EU Biodiversity Strategy is in line with two commitments made by EU leaders in 2010:

- The 2020 headline target: "Halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss";
- The 2050 vision: “By 2050, European Union biodiversity and the ecosystem services it provides – its natural capital – are protected, valued and appropriately restored for biodiversity's intrinsic value and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided.”

The strategy contains six main targets and 20 actions to help Europe reach its goal. The targets include: full implementation of EU nature legislation to protect biodiversity; better protection for ecosystems, and more use of green infrastructure, and; more sustainable agriculture and forestry.

At a level below the sort of overarching policy initiatives detailed above sit a large number of strategies and plans designed to take policy into practice. Of particular relevance to RESTORE are:

THEMATIC STRATEGY ON THE SUSTAINABLE USE OF NATURAL RESOURCES

This was the third “Thematic Strategy” that the Commission adopted under the 6th Environmental Action programme (6 EAP). 6EAP addressed the issue of resources and called for the development of a Thematic Strategy on the sustainable use of natural resources (Resource Strategy). With a stated objective of "ensuring that the consumption of resources and their associated impacts do not exceed the carrying capacity of the environment and breaking the linkages between economic growth and resource use". The strategy includes the setting out of common objectives to prevent soil degradation, to preserve soil functions and to remediate degraded soil. These in turn have grown out of previous initiatives, viz: "Thematic strategy for soil protection" COM(2006) 231 and a Council Directive of 22 September 2006 setting out a framework for soil protection and the amending Council Directive 2004/35/EC.

EUROPEAN COMMISSION STRATEGY ON GREEN INFRASTRUCTURE

In 2013, DG Environment within the European Commission adopted a strategy on Green Infrastructure and set this out within a Communication entitled ‘to promote the deployment of green infrastructure in the EU in urban and rural areas’. (COM(2013) 249. Green Infrastructure (GI) with its focus on the spatial planning of land use in natural and semi-natural areas is of obvious and immediate relevance to mineral site restoration work. Its recognition of the importance of environmental features from which the public can benefit and the scope for multiple use and benefit to be gained from the same area of land has obvious congruence with the sort of contributions that high quality site restoration work can make.

EU LEVEL: the legislative context

EU laws (regulations, directives and decisions) take precedence over national law and are binding on national authorities once transposed into full legislation at Member State level. The EU also issues non-binding instruments which may or may not be adopted at implementation level by individual Member States.

EU Directives set out particular end results that must be achieved in every relevant Member State. National authorities then have to adapt their laws to meet these goals through a process known as transposition. This has to be done within an agreed timeframe but individual Member States have freedom to decide how to do so.

Of particular relevance to the subject of mineral restoration are the following:

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DIRECTIVE AND STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) DIRECTIVE

Directive 2011/92/EU (previously Council Directive 85/337/EEC of 27 June 1985) on the assessment of the effects of certain public and private projects on the environment (known as 'Environmental Impact Assessment' – EIA Directive). Following a review of the existing Directive a new amendment was agreed upon in 2014 (Directive 2014/52/EU) and the deadline for Member States to transpose the Directive into their own legislation is 16 May 2017.

Directive 2001/42/EC on the environmental assessment of public plans and programmes (known as 'Strategic Environmental Assessment' – SEA Directive).

Environmental assessment is a procedure that ensures that the environmental implications of decisions are taken into account before the decisions are made:

- Environmental impact assessment, as required under Directive 2011/92/EU (known as 'Environmental Impact Assessment' – EIA Directive) relates to certain types of development projects undertaken by public or private sector organisations. Mineral extraction is one of the categories of development that may require EIA, depending on the location and scale of the individual quarry;

- Strategic environmental assessment, as required under Directive 2001/42/EC (known as 'Strategic Environmental Assessment' – SEA Directive) relates to certain types of plans or programmes developed and adopted by public sector organisations. Statutory land use plans, including those relating to mineral extraction and waste management, are one of the categories of plans that may require SEA as part of the plan or programme preparation process.

In either case, the principle is to ensure that plans, programmes and projects likely to have significant effects on the environment are made subject to an environmental assessment, prior to their approval or authorisation. Consultation with the public is a key feature of environmental assessment procedures.

HABITATS DIRECTIVE

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

The Habitats Directive (together with the Birds Directive) forms the cornerstone of Europe's nature conservation policy. It is built around two pillars: the Natura 2000 network of protected sites and a strict system of species protection. The Directive protects over 1000 animal and plant species and over 200 "habitat types" (e.g. special types of forests, meadows, wetlands, etc.), which are of European importance.

Annexes specify:

- Habitats;
- Species requiring designation of Special Areas of Conservation, (SACs);
- Species in need of strict protection; and
- Species whose taking from the wild can be restricted by European law.

The Directive has led to the setting up of a network of Special Areas of Conservation (SACs), which together with the pre-existing Special Protection Areas (SPAs) (designated under the original Birds Directive 79/409/EEC) form a network of protected sites across the European Union called Natura 2000. Since 1994 all SPAs form an integral part of the NATURA 2000 ecological network.

Of relevance to development projects and development plans, including those relating to mineral working, is the requirement for 'appropriate assessment' set out in Articles 6(3) and 6(4) of the Directive. It is necessary, as part of the development consent process or the plan approval process, to demonstrate that the integrity of Natura 2000 sites would not be adversely impacted upon as a result of the plan or projects implementation.

Article 17 of the Directive requires EU Member States to report on the state of their protected areas every six years.

BIRDS DIRECTIVE

Council Directive 2009/147/EC on the conservation of wild birds which supersedes Directive 79/409/EEC.

The Birds Directive is the EU's oldest piece of nature protection legislation and provides a comprehensive scheme of protection for all wild bird species naturally occurring in the Union. It was adopted unanimously by the Member States in 1979 as a response to increasing concern about the declines in Europe's wild bird populations resulting from pollution, loss of habitats as well as unsustainable use.

The Directive recognises that habitat loss and degradation are the most serious threats to the conservation of wild birds and therefore places great emphasis on the protection of habitats for endangered as well as migratory species especially through the establishment and designation of a coherent network of SPAs comprising all the most suitable territories for these species.

The Directive bans activities that directly threaten birds, such as the deliberate killing or capture of birds, the destruction of their nests and taking of their eggs, and associated activities such as trading in live or dead birds, with a few exceptions. It requires Member States to outlaw all forms of non-selective and large scale killing of birds and promotes research to underpin the protection, management and use of all species of birds covered by the Directive.

WATER FRAMEWORK DIRECTIVE

Directive 2000/60/EC of 23 October 2000 establishes a framework for Community action in the field of water policy. The three amending Directives of 2001, 2008 and 2009 are now incorporated into the original text.

This Directive establishes a framework for action across the EU in the field of water policy. Its essential focus is to protect and manage water quality and it commits Member States to achieve good qualitative and quantitative status of all water bodies by 2015.

River basin management is a key element of the legislation, as is water pricing policy. The Directive requires Member States to assess the impact of human activity on water quality as well as develop a register of all areas requiring special protection. The European Commission has made public its concerns that Member States have encountered problems both in meeting transposition deadlines and in hitting quality targets.

The Flood risk management plans described in the next paragraph as part of the process of complying with the Floods Directive must themselves take into account the relevant environmental objectives of the Water Framework Directive.

FLOODS DIRECTIVE

Directive 2007/60/EC of 23 October 2007 on the assessment and management of flood risks.

The Floods Directive relates to the assessment and management of flood risks. It requires Member States to engage their government departments, agencies and other bodies to draw up a Preliminary Flood Risk Assessments. Such assessment should consider impacts on human health and life, the environment, cultural heritage and economic activity, with a legislative completion date of December 2011. The content should be used to identify areas at significant risk which are then modelled in order to produce flood hazard and risk maps with probability estimates included – with a deadline for doing so of December 2013.

As the next stage of the process, Flood Risk Management Plans are developed with input from interested parties and set out for policy makers, developers, and the public the nature of the risk and the measures proposed to manage these risks. Such plans focus on prevention, protection and preparedness and are to be complete by December 2015.

WASTE FRAMEWORK DIRECTIVE

Directive 2008/98/EC on waste – 17 June 2008.

The Directive sets out basic concepts and definitions related to waste management. These include definitions of waste, recycling, and recovery. The Directive lays down some basic waste management principles: it requires that waste be managed without endangering human health and harming the environment, and in particular without risk to water, air, soil, plants or animals, without causing a nuisance through noise or odours, and without adversely affecting the countryside or places of special interest.

The Directive introduces the "polluter pays principle" and the "extended producer responsibility". It incorporates provisions on hazardous waste and waste oils and includes two new recycling and recovery targets to be achieved by 2020: The Directive requires that Member States adopt waste management plans and waste prevention programmes.

LANDFILL DIRECTIVE

Directive 1999/31/EC of 26 April 1999.

The Directive has the overall aim "to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from the landfilling of waste, during the whole life-cycle of the landfill".

According to the waste management hierarchy (set out on the Waste Framework Directive), landfilling is the least preferable option and should be limited to the necessary minimum. Where waste needs to be landfilled, it must be sent to landfills which comply with the requirements of the Directive.

INDUSTRIAL EMISSIONS DIRECTIVE (IED) AND INTEGRATED POLLUTION PREVENTION AND CONTROL (IPPC) DIRECTIVE

Directive 2010/75/EU of 24 November 2010 on industrial emissions.

Directive 2008/1/EC of 15 January 2008 concerning integrated pollution prevention and control.

The IPPC Directive was originally introduced in the context of the 5th Environmental Action Plan (SEAP) in part as an attempt to bring together into a single framework different approaches to controlling emissions into the air, water or soil (hence the term "integrated").

From 2005-2007, the effect of the Directive was assessed and in 2010, a revised wording was published. This was integrated with 6 other European directives regulating large industrial sites, and became the 2010 Industrial Emissions Directive (IED).

IED sets out the main principles for the permitting and control of installations based on the integrated approach and the application of best available techniques (BAT). The implementation of the IED will require industry to make investment decisions in order to comply with the strengthened BAT requirements. In 2014, the IED formally replaced Directive 2008/1/EC on integrated pollution prevention and control. Full adoption of BAT also signalled the announcement that the EC will not continue with previous plans for emission trading instead relying on the BAT approach to achieve its aims.

THE NATIONAL LEVEL

RESTORE PARTNER STATES

THE UNITED KINGDOM

There are devolved systems of government for Scotland, Wales & Northern Ireland. This factor impacts on just how planning and environmental issues are addressed in different administrative areas and this section is therefore broken into distinct sub-sections to reflect differences and particularities in the four locations.

UK Planning systems can be traced back to the Town and Country Planning Act of 1947 albeit the current system largely dates back to the Town and Country Planning Act of 1990 to which material amendments were made in 2004 and 2011 with respect to England and Wales.

SPATIAL PLANNING IN ENGLAND AND WALES¹

Prior to the change in Government in 2010, national planning policy was set out by theme through a series of Planning Policy Statements (PPSs) and, in the case of Mineral Planning, Mineral Policy Statements (MPSs). Earlier still there were Planning Policy Guidance Notes (PPGs) and Mineral Policy Guidance Notes (MPGs). For example, MPG7 covered Mineral restoration.

A key change introduced by the 2010 coalition Government was the removal of Regional level governance structures. Previous to that, a Regional Spatial Strategy (RSS) set out spatial development policy for each of the nine regions of England, plus one for Wales, each of which operated through Regional Assemblies.

In the absence of regional level governance, English and Welsh local authorities now have strategic as well as local spatial planning responsibility for their local area. Historically, local authorities comprised a county or city with districts or boroughs – often referred to a ‘two tier’ system comprising of upper and lower tier authorities. More recently that typology has shifted, with many authorities combining a mix of those responsibilities previous associated with the two distinct tiers and have reformulated themselves as “unitary” authorities. There have also been a complex set of different arrangements applied to public governance arrangements in cities and broader metropolitan areas.

Under the policy banner of ‘Localism’, many of the working methods of the former planning system (including Regional Spatial Strategies) were rejected as taking a top-down and over-bureaucratic approach. With the abolition of RSSs and regional assemblies there came a new “Duty to Cooperate”, which now requires Local Authorities to consult and cooperate with adjacent planning authorities and related organizations on cross-boundary strategic issues in preparing local plans.

In 2012, the government published the National Planning Policy Framework (NPPF) which sets out the principles for planning in England and replaced the considerable volume of previous guidance under the PPSs (over 1,000 pages replaced by less than 60 pages).

MINERAL PLANNING

Where a two tier system remains in force, Mineral & Waste Planning is a County Council/upper tier function, with all other forms of development being the responsibility of the District or Borough Council. As a consequence it is now the District or Borough Council that is responsible for the preparation of local plans which set out the policies, and detail the location, for future developments.

National mineral policy guidance previously consisted of two documents:

MPS1 – the overarching policy guidance document for mineral planning.

MPS2 – which set out the principles to be followed in considering the environmental effects of mineral extraction.

These are now subsumed and summarised within the NPPF, where, with specific regard to mineral site restoration, the NPPF states that Local Authorities will, “put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation”. They will “provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances”.

¹ In addition to what is described in this section with regard to both England and Wales the Planning and Compulsory Purchase Act of 2004 requires the Welsh Council to formulate spatial plans, and together with the Government of Wales Act of 2006 provides the legal implementation means for “People, Places, Future, the Wales Spatial Plan 2004”.

BIODIVERSITY AND PLANNING

The UK Conservation of Habitats and Species Regulations 2010 (as amended) transpose and further consolidate the Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) and the Council Directive 2009/147/EC (previously Directive 79/409/EEC on the Conservation of Wild Birds into national law in respect of England and Wales.

Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the Habitats Directive.

The UK approach to biodiversity is currently set out in “Biodiversity 2020: A strategy for England’s wildlife and ecosystem services”. This sets out the UK approach for the decade 2010 – 2020 with a mission statement “to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people”.

The NPPF sets some important principles with specific regard to biodiversity: “The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

This goes beyond protection, introduces ecosystem services, and places an obligation on net biodiversity gain and the development of ecological networks:

- “Plan for biodiversity at a landscape-scale across local authority boundaries;
- Identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation; and
- Promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.”

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles. These include:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

Importantly, this makes provision not just to minimise or mitigate an adverse effect, but also that development should be making a positive contribution to biodiversity.

In 2013/14 UK Government issued a consultation on proposals for Biodiversity offsetting – conservation activities that are designed to give biodiversity gain to compensate for residual losses. An announcement on proposals is currently awaited. In the meantime, an applicant can offer to enter into a voluntary offsetting agreement with a landowner and the local authority. Mineral sites are likely to offer opportunities for offsetting due to their size, the ability to offer different restoration in terms of habitats and species and because they form a temporary land use.

SPATIAL PLANNING IN SCOTLAND

The planning system in Scotland is based on the Town and Country Planning (Scotland) Act, 1997. The subsequent "National Planning Framework [NPF] for Scotland" is the long-term strategy laying out the framework of spatial development of Scotland. The 1st NPF was published in 2004 and superseded by the 2nd in 2009. NPF3 "A Plan for Scotland: Ambition, Opportunity, Place" was introduced in June 2014. It sets out the Government's development priorities over the next 20-30 years and identifies national developments which support the development strategy.

The document sets out five "subject policies" one of which is for minerals sitting alongside "Natural Environment", "Green Infrastructure", "Aquacultural" and "Flooding and Drainage". There is plain acknowledgment that "Our mineral resources support the construction and energy sectors" and explicit recognition that "We will also need construction materials and energy minerals to support our ambition for diversifying the energy mix, and past extraction sites will require restoration" It goes beyond restoration per se and points out that, "There is also a continuing need to actively address the impacts of past uses of the land, including minerals extraction, through restoration and enhancement".

SPATIAL PLANNING IN NORTHERN IRELAND

Basic matters concerning spatial planning are set out in the Planning (Northern Ireland) Order of 1991. Shaping Our Future – Adjustments to the Regional Development Strategy (RDS) – 2025" (June 2008) sets forth adjustments to the RDS devised in January 2005 to indicate long-term visions extending to 2025.

BELGIUM

Built-up areas constitute about 20 % of Belgian territory, with residential housing and transport increasing at a rapid rate. Belgium, in common with large parts of North West Europe and beyond, faces challenges around urban expansion and sprawl, resulting in environmental problems such as spatial isolation, habitat fragmentation, modification of the natural water cycle (flood risks), loss of biodiversity, energy consumption and atmospheric emissions.

The challenge for the future is on the one hand to allow for the development of land-based social and economic activities (dwelling, transport, agriculture, etc.), and on the other hand, to protect the integrity of natural resource systems and the output of ecosystem goods and services which can also bring economic and social benefits in the long term.

Responsibilities for land use and management lie at a regional, not national level – with the exception of the marine part of the North Sea, which is a federal level responsibility..Flanders, Wallonia and the Brussels region all have demarcated roles to play – with powers and responsibilities that also extend into the economy, employment, energy, transport, the environment, credit and foreign trade. In broad terms Brussels can (unsurprisingly) be considered most urban, Wallonia most rural and Flanders somewhere in between – and archetypically peri-urban in large parts. (albeit that levels of urbanisation vary considerably within each of the individual regions as well as one might expect).

FLANDERS SPATIAL PLANNING

The Flemish Spatial Structure Plan (1998-2007 [extended]) contained guiding principles about compact and concentrated development in urban areas with the aim of bringing about greater spatial coherence – making maximum use of minimal space. The plan was updated in both 2004 and 2011. The successor Flemish Spatial Policy Plan (2020-2050) will have a greater focus on climate change adaptation, water and flooding, combating soil sealing, and sustainable development. It grows out of the 2013 Green Paper "Flanders in 2050: human scale in a metropolis?" A trend in the interim has been the growing cooperation between the environmental, spatial and transport policy fields and their corresponding planning processes.

MINERAL PLANNING

The principal minerals extracted in Flanders are clay, loam, sand and gravel. Belgium is a net exporter of bricks & tiles from clay extraction. The most important deposits are the Ypres clay in West Flanders and the Boom clay in the Rupel and Waasland region. Silica sands constitute an important and very valuable sand deposit, occurring in the eastern part of the Province of Limburg and the northern part of the Province of Antwerp. The gravel deposits in the Eastern part of Flanders (primarily the province of Limburg) form the last important Flemish mineral resource and are to be found on the Campine plain and in the Meuse Valley areas. Because of the limited volume of the latter and the environmental impact their extraction has had, the extraction of Meuse valley gravel is gradually being discontinued.

The Flemish Sustainable Mineral Resources Strategy is based on the General Surface Mineral Resources Plan itself grounded in the 2003 Parliamentary Act on Surface Mineral Resources. This act sets out as its basic objective: "To sustainably meet the needs for surface mineral resources of current and future generations".

The general plan has a lifetime of at least 25 years and comprises a renewable set of actions to be reviewed on a five year cycle. These actions lay the foundations for any proposals regarding spatial planning.

Reaching the objective of sustainable extraction is to be achieved by:

- Extracting in such a way as to allow the economic, social and environmental components to mutually reinforce each other to the maximum extent;
- Guaranteeing development perspectives for the sector, taking account of the business economic security, in view of long-term socio-economic acceptable extraction opportunities, in order to meet society's needs;
- Using surface mineral resources in an economical and efficient manner;
- Extracting optimally within extraction areas on the basis of an economical use of space;
- Promoting the use of fully-fledged alternatives for primary surface mineral resources and the maximum re-use of waste, in order to curb the needs for primary surface mineral resources; and
- Taking the maximum preservation and development of nature and the natural environment into account in extractions.

The general plan analyses the type and level of need for surface mineral resources for the next five years on the basis of economic studies, market research and consultation. It also attempts to take account of the impact the Plan has on the environment and agriculture and the socio-economic consequences and financial implications of a sustainable extraction policy.

At a level below the general plan, the Flemish Spatial Structure Plans recognise 19 regions as extraction areas each with its own Special Surface Mineral Resources Plan. These are drafted for all regions recognised as extraction area. These Special Mineral Resources Plans examine the current and future needs for the considered mineral resource.

In addition to the plans described above, there are also specific plans for different minerals. For example a Flemish Parliament Act specifically for the extraction of gravel is used in the Province of Limburg. This Act allocated a fixed quota of gravel to the different extractors and introduced a levy on the production of the gravel to finance rehabilitation and future reorganisation of the sector. A 2005 amendment to the Act provided for consultations to be started on the future of gravel extraction with all Limburg parties involved. A further amendment of 2009 makes extraction of gravel possible only in certain specific cases where it can be shown to lead to an improvement of the ecology and biodiversity of local nature.

MINERAL SITE RESTORATION

In Flanders, site rehabilitation and restoration is covered by the same 2003 Act on Surface Minerals. The Act allows for the granting of extraction permits and financial guarantees to ensure correct rehabilitation, and the development of a remedial or restoration plan.

These restoration plans set out non-site-specific restoration land uses, such as agriculture, nature, or recreation depending on the post-extraction spatial zoning plan for the area in which the extraction site is located. Further detail is then added at the permit/planning application stage and may include more specific targeted restoration, for example requiring restoration to a suitable habitat for a named bird species.

If the land is to be (re)turned to agricultural use, the restoration process will be overseen by a steering committee which will draw up a detailed design plan

for each site and control the carrying out of the restoration/conversion. In other cases where the land will be put to use as natural habitat special micro-ecosystems might be developed with clear positive impact on the value of local nature. Recreational land use often comprises public facilities such as open air swimming pools, other sports facilities, the organisation of festivals, etc.

WALLONIA

In the Walloon Region, 23 sectoral plans (plans de secteur [PDS]) are designed to combat the pressure of urbanisation by defining zones where building might take place as well as zones to be used for agriculture, forests, or wildlife. The PDSs operate within the confines of the Wallon Code on land use planning, town planning, heritage and energy (Code wallon de l'aménagement du territoire, de l'urbanisme, du patrimoine et de l'énergie – CWATUPE). In addition, the Walloon region has developed (voluntary and non-binding) municipal plans for nature development (PCDN).

The most common mineral found in the Walloon subsoil is limestone (used in cement, lime and aggregate for concrete), the extraction of which is often located along a west-east axis following the basins of the Scheldt, Haine, Sambre and Meuse rivers. Important deposits of magmatic rock (microdiorites) are found along the edge of the Bra-bant bedrock (used in aggregate for asphalt or railway track ballast) south-west of Brussels. There is also a legacy of coal extraction – as indeed is the case in Flanders as well.

BRUSSELS

Within the Brussels-Capital region, spatial planning is governed by 'Le Plan Régional d'Affectation du Sol'. Whilst there is no mineral extraction activity in this territory, reference is included here for completeness and in recognition of the fact that activity in one region directly impacts upon the economy, environment and infrastructure of others.

Economic and demographic growth are strong characteristics of the region with an obvious impact on surrounding areas as the residential, commercial and industrial land "take" all increase. Transport infrastructure has developed in line with this growth and sprawl. Of course Brussels and its surrounds – as well as Belgium more generally – is a natural European transit centre which adds to this effect. The general trend has in turn placed considerable focus upon green infrastructure in the Brussels surrounds.

GERMANY

As of reunification of the country in 1990, Germany consists of 16 Länder or federal States. Of these North Rhine-Westphalia (Nordrhein-Westfalen), Rhineland-Palatine (Rheinland-Pfalz), Saarland, Baden-Württemberg, Hesse (Hessen) and the western part of Bavaria² (Bayern) lie within the Interreg North West Europe programme area 2007-14. Extractive minerals that are worked to a significant degree in Germany include brown coal (lignite) and stone coal, together with smaller volumes of potash and rock salt.

Under the federal system, the responsibilities of the Länder governments are defined by the Basic Law for the Federal Republic of Germany (Grundgesetz für die Bundesrepublik Deutschland). The Länder have certain powers and responsibilities concerning spatial planning. Overall guidelines are set at the national level within which the Länder manage individual spatial plans in ways set out within the Spatial Planning Act 2008 – see below. The federal nature of Germany and its history of city states coming together are reflected in approaches that vary considerably Land to Land, area to area.

Planning policy and practice operates within a framework with four levels:

1. National/Federal Spatial planning (Raumordnung)

The 1965 Federal Spatial Planning Act sets out the framework of procedures of spatial planning. In 1967 the Ministerial Conference for Regional Planning (MKRO: Ministerkonferenz für Raumordnung) was established for the purpose of inter-governmental coordination on planning issues as well as for the establishment of basic concepts regarding spatial planning. The Federal Spatial Planning Act in 2008 enables federal governments to establish spatial plans. However it is important to be clear that, at the time of writing, this power to establish a federal level plan has not yet been used with many commentators (including the MKRO) suggesting that the established structures are sufficient

A further key policy driver is the Spatial Development Concept and Strategy in Germany (2006) prepared by the MKRO. This places emphasis on three areas:

- I. Achieving growth and innovation;
- II. Ensuring public service delivery;
- III. Conserving resources, and preserving; and nurturing cultural landscape.

2 4 of the 7 administrative districts (Regierungsbezirke) lie within NWE – Upper Franconia (Oberfranken), Middle Franconia (Mittelfranken), Lower Franconia (Unterfranken), and Swabia (Schwaben).

2. Länder/State (Städte) Spatial Planning (Landesplanung)

Articles 8-16 of the Federal Spatial Planning Act 2008, provide for individual Länder to develop Land-wide or partial Land area plans (Landesentwicklungsplan). These include comprehensive spatial planning objectives and coordinate all policies and approaches with a spatial impact in that State.

3. Regional Planning (Regionalplanung)

The larger Länder are divided administratively into administrative districts (Regierungsbezirke³) for which regional plans (Regionalplan, Gebietsentwicklungsplan) are produced. These plans must accord with and reflect the relevant Land development plan or programme as produced by the Länder governments. According to item 8 of the Raumordnungsgesetz (Federal Law) there must be one plan for every Land. The regional plans must, at the same time take into account region-specific objectives. Once produced, they are subject to approval by the Land. As an alternative to this process, a Regionalplan can be produced by a tailor-made public body established by a Land law.

Contents of the regional plan include:

- Objectives for the overall development of the region;
- Statistical analyses and scenarios;
- Spatial objectives: for spatial and settlement structures, land-uses, infrastructure locations and infrastructure routes etc.; and
- Sectoral objectives and planning policies for the social and cultural sectors, the economy, transport, nature conservation and the environment.

Map supporting text will typically illustrate:

- The designation of spatial uses between undeveloped open areas for agriculture, forestry, recreation, water resources, natural resources (including minerals) and existing and future regionally important settlement areas; and
- Infrastructure locations and routes, in particular locations for facilities for transport, waste disposal and energy supply and routes for transport, energy supply lines and water and gas pipelines.

4. Municipal/local Spatial Planning (Bauleitplanung – more literally, building guidance planning)

Gemeinden (municipalities classified as LAU2 areas under an extension to the EU NUTS nomenclature) have a very high degree of autonomy: According to Article 28 (2) of the Basic Law “Municipalities must be guaranteed the right to regulate all local affairs on their own responsibility”. This principle is clear to see in Development Planning. Where higher level administrations and their plans can only give guidelines and mustn’t impose any details.

The relation between the upper levels and municipal land-use plans of either type as set out below is managed and controlled by the so called system of ‘countervailing influence’ which is meant to ensure a compatibility of planning goals and development needs at all levels. Similar arrangements exist between comprehensive spatial and land-use planning instruments and sectoral policies with direct or indirect spatial impacts.

The powerful role of the municipalities makes the German planning system unique across Europe.

There are two types of plans resulting from two different processes:

- Land-use plan (Flächennutzungsplan) also known as F-Plans or FNP; and
- Development plan (Bebauungsplan) also known as B-Plans.

The F-Plan is the product of a preparatory development planning process; the B-Plan is the result of a binding development planning process. Combined, these are the most influential instruments in terms of land-use planning in Germany. They are closely related to each other and, usually, rest in the hands of the municipality whose area the Flächennutzungsplan covers.

³ Regierungsbezirke are survivors of the 17th century administration systems when provinces, headed by a Governor, served as decentralised Land administration offices.

F-PLAN (FLÄCHENNUTZUNGSPLAN – Land Use Plan)

The F Plan consists of a graphic diagram (the plan or plans) and a written statement. These are binding on all public authorities and agencies, but are not relevant to applications by private individuals or companies where the B-Plan or, in the absence of a B-Plan, other rules and mechanisms apply. The main purpose of a preparatory land-use plan is to illustrate the proposed land uses for the entire territory of a municipality and includes:

- Areas zoned for development according to general and specific land-use types as provided by the Federal Land-use Ordinance – Baunutzungsverordnung BauNVO;
- The level of development in terms of site coverage, floorspace index and building height;
- Public and private community, infrastructure and service facilities;
- The main transport and communication facilities;
- Open space (green areas) and areas of water;
- Areas for minerals and mining;
- Agricultural and forestry areas and areas for environmental and landscape protection; and
- Other requirements, including protected monuments, areas which require protection against flooding, contaminated land, etc.

The F-Plan is essentially a zoning plan that is intended for use in planning, policy making and development decision-making by all public authorities, especially the municipality. It provides the framework for the preparation of binding land-use plans (Bebauungsplan/B-Plan). F-Plans must adhere to the mandatory objectives of a regional plan, must be coordinated with the F-Plans of neighbouring municipalities and is subject to an intensive participation process by both public bodies and individuals.

B-PLAN (BEBAUUNGSPLAN – Development Plan)

Development plans form the second and most precise level of municipal spatial planning and provide the basis for the detailed and legally binding control of building development. Development plans are to be prepared where the municipality expects or intends building development to take place; thus they usually do not cover the whole territory, but only small areas where future development is anticipated. These are mainly greenfield sites or large sites within existing built-up areas.

Development plans must be derived from an F-Plan and their provisions are binding on all public authorities and private individuals. B-Plans are adopted by the municipal council as local by-laws and must only be approved by higher state authorities if the plan has not been developed in accordance with the F-Plan.

As a B-Plan is used as the legal basis for issuing building permissions, it can often contain quite detailed development and design briefs including landscaping and planting measures. Whilst not generally addressing mineral extraction or restoration, there may be a geographic overlap with mineral site restoration and as such mineral site restoration schemes can contribute to a more comprehensive development proposal as part of a B-Plan.

There are also both Landscape Plans (L-Plans) and Green Infrastructure Plans (G-Plans) which address ecological, woodland and agricultural land use.

The German Government approved an Act on Nature Conservation and Landscape Management in July 2009, and produced a Raw Materials Strategy in 2010.

THE NETHERLANDS

The Netherlands is comprised of 12 provinces. By the 1990s, the only mining operations remaining were those carried out by small companies extracting salt, peat, and some sand and gravel for construction uses. Increased emphasis has been placed on marine won materials. The net result is that the Netherlands is now a net importer of minerals such as building aggregate.

SPATIAL PLANNING

The national Spatial Planning Act (Wet op de Ruimtelijke Ordening, WRO), governs spatial planning and urban planning across the country. Spatial planning decisions are made at each of the national, regional (provincial) and local (municipality) levels.

Structural/Spatial Visions (Structuurvisie) have been, or are now being, produced as part of the provisions of this national act. These visions list planned spatial developments and detail how these developments will be implemented. Unlike under previous arrangements however, these national and province level spatial visions serve as internal guidelines only and are not binding on lower (sub-Province) levels of government. Increasingly, spatial planning policy and its implementation is now being shaped at the municipal/local level with municipalities able to set appropriate regulations based on their knowledge of the local situation.

National level

The national/state level focuses on matters of importance to the entire country, such as improving accessibility. These national areas of responsibility are set down in the Structuurvisie Infrastructuur en Ruimte (SVIR) 2013 – the national “Policy Strategy for Infrastructure and Spatial Planning”. This includes a map showing a national network of ecological sites providing natural corridors and linkages.

The SVIR sets out a long term vision for a “competitive, accessible, habitable and safe Netherlands”, It includes the following mid-term objectives for 2028:

- Improve competitiveness by strengthening spatial economic structure;
- Upgrade and secure accessible space with first priority to users; and
- Secure a sustainable and safe environment which maintains rich nature and high cultural and historical value.

With specific regard to mineral extraction it specifies that:

- The projected level of need for extracted minerals is no longer to be calculated in the way that it used to be. As a result the previous system whereby volumes were disaggregated and apportioned at Province level has been ended;
- The extraction of construction materials has to take place in a way that is socially acceptable; and
- It is the responsibility of the extraction companies to develop projects of good quality.

Regional

The Provinces focus on matters of more immediate local interest, for example, landscape management, urbanisation and the preservation of green spaces. Provincial level priorities and intentions are set out in a series of provincial spatial visions – for example the Provincial Environment Plan (Provinciaal Omgevingsplan) Limburg (POL) of 2006. This regional/provincial level spatial strategy has mineral extraction measures integrated within it.

MINERAL PLANNING

The extraction of minerals is regarded as a means to reach other goals for example, flood prevention and alleviation, the creation of natural wildlife areas, the establishment and maintenance of water storage facilities and recreational areas, etc.

The POL serves as an apposite example in many ways. Its specific section on “Raw materials and extraction” makes clear the ways in which a specific area of work is expected to make a broader contribution: “In the future, we want extraction activities to contribute to safety, nature development, water storage, the leisure economy, and so forth. We also wish to make sparing and sophisticated use of raw materials”. This neatly sets out the two pronged approach which is becoming increasingly common where the positive contribution of extraction is recognised but there is a desire for it to happen to a limited extent only. The POL is equally clear where responsibility lies: “We expect extraction companies to develop multifunctional projects that have a basis of public support.”

As regards limiting the overall volume of activity: “We will not designate any new extraction sites or zones”, albeit due regard was also paid to what has gone before: “Existing extraction sites and zones will, however, remain valid [...]. When issuing permits for the extraction of concrete and masonry sand, we will

adhere to the agreed tasks that form the basis for the Sand Meuse and Border Meuse POL supplements until 2008”.

It goes on to address the administrative process: “The Raw Materials Plan will be replaced by a detailed POL policy document on Raw Materials setting out the policy of the POL. In this document, we will indicate how we intend to protect geological stocks and apply the construction-related raw materials test”. In other words management and control measures with a clear purpose as part of a broader strategic objective.

Municipalities

Whilst municipalities have always had responsibility for devising land use zoning plans for non-developed areas, recent changes require that they now devise and update zoning plans (Bestemmingsplan) for all areas. Municipalities can now devise such plans without provincial approval, but, at the same time, there is provision for the Provinces and national government to devise an adaptation plan (Inpassingsplan) where there is a broader National or Provincial interest.

The Future

The Spatial Planning Act (WRO) is expected to be integrated in the overarching Environment & Planning Act (Omgevingswet) together with other laws and decrees such as Environmental Management Act, Water Act, etc. The aim of this integration is the simplification of procedures to speed up decision making process in order to ensure consistency between spatial plans and projects/activities related to environment and nature.

Currently, some municipalities have over 100 land-use plans. A single environmental plan for the entire area will supersede these. This is intended to mean fewer regulations and more cohesion. Draft legislation of the new Environment and Planning Act was expected to be submitted in summer 2014, with a view to implementation in 2018.

BIODIVERSITY AND PLANNING

Dutch governmental policy on biodiversity was previously encapsulated within the interdepartmental ‘Biodiversity works: for nature, for people, forever’, 2008-11 policy framework setting out priorities in addressing biodiversity loss and promoting the sustainable use of biodiversity and natural resources.

Its content and implementation was reviewed by a “Biodiversity and Natural Resources Task Force”, in part assessing its value against emerging policy and legal instruments such as the EU Communication and Action Plan on the retention and sustainable use of biodiversity (2006).

Post 2011, biodiversity measures such as the International Convention on Biological Diversity (itself the basis for the European biodiversity strategy for 2020) and legal requirements under the Birds and Habitats Directives, etc have been transposed into national policy and programmes in the form of the National Ecological Network, Natura 2000, the interdepartmental biodiversity programme Biodiversity works (2008-2011), and the Natural Capital Agenda of June 2013. These biodiversity focused measures now themselves sit within the broader framework of “the Natural Way Forward: Government Vision 2014’ in which the Dutch government sets out its vision on nature policy more widely for the next 10 years.

WATER AND PLANNING

Most sand and gravel extraction in the Netherlands takes place alongside waterways – this of course in part reflects the unique situation regarding water management in the Netherlands more generally. This close relationship between extraction and water brings both challenges and opportunities in terms of flood alleviation measures; contribution to wetland biodiversity targets; recreational uses etc (see also details of the POL above in this context).

The unique Netherlands response to water issues has been the establishment of the Rijkswaterstaat: a part of the Dutch Ministry of Infrastructure and the Environment with responsibility for the design, construction, management and maintenance of the main infrastructure facilities across the country.

Part of the relevance to RESTORE of the type of work that the Rijkswaterstaat is involved in is that mineral site extraction in the Netherlands is often carried out as an inherent part of larger water management/flood schemes.

OTHER NW EUROPE STATES

FRANCE

France has a population of about 60 million, with roughly one-sixth of that number living in the Greater Paris area. There are currently 22 mainland (metropolitan) French regions of which 13 are within the NWE area. (Bretagne, Pays de la Loire, Basse-Normandie, Haute-Normandie, Centre, Ile de France, Picardie, Nord Pas-de-Calais, Champagne-Ardenne, Bourgogne, Lorraine, Franche-Comte and Alsace⁴). France is one of the more decentralised states in Europe. The sub-national government system in France consists of three tiers: the regions (régions) as already mentioned, departments (départements) – 96 in mainland France – and communes (communes; there is no distinction between cities, towns and villages) of which there are almost 37,000.

Sub-national bodies play a large role in national spatial improvement and development work as well as more generally. Regions became local autonomous bodies with their own elected councils headed by a president as a result of the Decentralization Act of 1982 (further implemented through the Gaston Deferre Laws). This saw executive powers transferred from “governors” appointed by national Government to the presidents of both departments and regional councils.

Decentralisation was taken a stage further as part of then President Chirac’s policy agenda through a change to the constitution introduced in 2003 (the Constitution Amendment Act 2003). The words “region” and “decentralisation” now appear in the written constitution itself and the act gives regions and departments a greater degree of control than previously over particular subject matters: Regions for example have extensive powers in the fields of transport, infrastructure, economic development, tourism and professional training programmes, whilst Departments are now responsible for highway maintenance, welfare systems, public housing and some elements of school management. Little was delegated as far as Commune level however.

SPATIAL PLANNING

National Level Spatial Planning and Biodiversity Strategy

The Spatial Planning and Development Act (commonly referred to as the Pasqua Act) was enacted in 1995 following discussions on spatial policy throughout the 1990s. This now operates alongside the Spatial Planning and Sustainable Development Act (the Voynet Act – enacted in 1999 as a national land use planning law) and forms the framework for current spatial policy. Voynet introduced nine planning schemes where the previous 1995 Act had allowed for only one – amongst other things it includes a focus on protecting biodiversity.

In 2010 the Grenelle II Act was legislated which further incorporated the sustainable development dimension – essentially introducing a national strategy on biodiversity. Grenelle II, amongst other things, sets out a set of national principles for the preservation and restoration of ecological connectivity for example and requires that these be incorporated into regional masterplans and local plans as outlined in the following sections of text. It also calls for measures in countering invasive alien species or promoting “agro-ecologic” infrastructures, etc.

Regional Spatial Development System

Since 1982 state-region Planning Contracts (Contrats de Plan Etat-Region – CPER), have been used as a key part of the process of managing spatial development at the higher level; these detailed documents set out agreements between the state and the region on action programmes and finances for spatial planning and development. The contracts are made to seven-year cycles in line with EU budget periods and are agreed by the Prefet of each region, the state representative and the President of the Regional Council.

The national planning mandate outlined above is implemented through a set of regional plans – one for each of the 22 regions. Under this scheme the regions devise Regional Spatial Planning and Development Schemes (SRADT) as locally oriented medium-term plans – now frequently devised to complement measures identified as part of regional level economic development plans developed under the 2003 decentralisation provisions.

In addition to SRADTs, Spatial Planning Directives (Directive territoriale d’aménagement – DTA), which date back to the time of Pasqua, set out the state’s

⁴ The Lorraine and Alsace regions both have a legacy of extensive iron ore and coal mining, whilst phosphate mining remains significant in Alsace.

basic policies and strategy concerning specific large natural areas under particular environmental or social pressure – for example an estuary or river mouth but also for example the North Lorraine mining belt.

At a level below the regional plan there are two levels of local plans with legal force, both introduced as part of the provisions of the Voynet Act, and both giving real primacy to land use plans in the planning process.

Departement & Intercommunal Levels

Schémas de cohérence territoriale (SCoT) are master plans that formulate major spatial development priorities for the area over the medium to long-term. These plans are prepared by groups of associated municipalities (communes) as intercommunalités and, amongst other things, identify the locations of natural, agricultural and urban space to be protected.

In a separate, but related, development and in light of increasing flooding problems, local prefectures in France have recently been tasked with the preparation of risk prevention plans, called Plan de Prévention des Risques (PRR).

Commune Level

Until 2000 a local level plan was termed a Plan d'Occupation des Sols (POS), but since this time they have been replaced by the Plan Local d'Urbanisme (PLU). Responsibility for the preparation of a local plan lies with the commune under the direction of the mayor. The PLU establishes planning zones for the area (and must take account of the protected areas detailed in the SCoT in doing so), sets out the planning rules that will apply to new development, and gives information on major development constraints.

The PLU divides the commune into four zones:

- Zone U – New construction permitted which are likely to be existing development areas and those adjacent to it where the infrastructure exists or can be provided to enable development;
- Zone AU – Future development area, which will include either those where infrastructure is already available or where it is planned;
- Zone A – Agricultural area and only agricultural related new construction permitted; and
- Zone N – Protected areas where no new construction permitted by virtue of their sensitive historical, ecological or environmental nature.

REPUBLIC OF IRELAND

The Republic of Ireland has a relatively low population density (73.4 /km² or 190.1 /sq miles). It is known for its zinc-lead mining – it is the largest zinc producer in Europe and the second largest producer of lead. In addition to metal mining, the country has a history of industrial mineral and coal extraction. The large demand for road and building construction aggregates in Ireland supports a thriving quarrying industry. According to figures quoted by the Environmental Protection Agency (EPA) (see below) there were approximately 500 operating quarry developments in Ireland as at 2001 from which crushed rock and sand and gravel are exploited. Peat extraction and protected habitats is a particular issue in Ireland.

SPATIAL PLANNING

Spatial planning is shaped around the Planning and Development Act 2000. As part of the 2000 legislation, a clear hierarchical planning system was introduced within the context of a national spatial strategy (NSS), with regional planning and its associated guidelines being put on a statutory footing for the first time.

Responsibility for planning at a national level sits with the Department for the Environment, Heritage and Local Government (DoEHLG), which published the first NSS in November 2002. The NSS provides an overall framework for planning in Ireland, and plans at regional and local level must have regard to the NSS.

The NSS reflected the sheer volume of planning legislation and regulations and took into account at the same time the increasing European policy and legal dimension. The core principles of the 2000 legislation and subsequent NSS were to:

- Be strategic in approach;
- Have an ethos of sustainable development; and
- Deliver performance of the highest quality.

Ireland is unique among European countries in that it has an independent third party planning appeals system which is operated by An Bord Pleanála, (the Planning Appeals Board). Another national organisation, the independent, public) restricts planning consideration to essential land-use functions.

MINERAL PLANNING

The National level

In Ireland, minerals are defined in the Minerals Development Act, 1940; the Minerals Development Act, 1979 added further clarification as did the 2001 Planning & Development Regulations.

In 2006 the EPA produced a set of “Environmental Management Guidelines” related to the “Environmental Management in the Extractive Industry (Non-Scheduled Minerals)”. These guidelines in turn came to inform the ‘Planning Guidelines’ issued by the Department of the Environment, Heritage and Local Government, under Section 261 of the Planning & Development Act, 2000 – Control of Quarries.

The guidance highlighted the 100 to 110 million tonnes of aggregates used annually in the Irish construction industry and also pointed out the additional 250k tonnes per annum of cut stone which is also extracted – up to 50% of which was exported to Belgium, Germany and the Netherlands. It also emphasised that the rate of recycling of aggregates was low but expected to increase in light of the introduction of the landfill levy and advances in recycling technology.

The Regional and Local levels

The guidelines were drawn up in recognition of the fact that at that time there was “no national planning policy or strategy in Ireland for construction aggregates or dimension stone”. In the face of this absence, local authorities considered land use and planning issues associated with quarries and the extractive industry in their County Development Plans⁵. A more consistent approach was deemed desirable with the aim that “planning for provision of these materials [...] ensure(s) that the supply is managed in a sustainable way so the best balance is obtained between environmental, economic and social considerations”.

Within the guidelines, good environmental management practice was considered with regard to a number of key environmental issues:

- Ecology – which encompassed habitat restoration and biodiversity;
- Surface water – protecting water courses, managing effluent and complying with water quality standards;
- Groundwater – in line with county level groundwater protection plans and in recognition of aquifer recharge and vulnerability issues;

- Air quality – dust management;
- Noise and vibration;
- Landscape, restoration and afteruse – in line with the Landscape Institute/Institute of Environmental Management and Auditing guidelines for landscape and visual assessment (IEMA, 2002) and the EPA’s own Landfill Manual – Landfill Restoration and Aftercare (EPA, 1999) in particular;
- Waste management – managing waste arising from extraction activities (the continuing relevance of this is borne out by findings within the 2012 EPA publication “State of the Environment”;
- Archaeological heritage;
- Transport and traffic; and
- Energy.

There are 8 regional authorities in Ireland which have responsibility for drawing up and implementing Regional Planning Guidelines (RPGs) to support strategies for regional development. Below this, the implementation of the physical planning system in Ireland is the responsibility of the 88 local planning authorities (29 County Councils, 5 City Councils and 49 Town Councils). At this level, the planning system primarily consists of the preparation of a Development Plan, Development Control (i.e. the planning application process) and Enforcement.

The Development Plan is the main instrument for regulation and control of development at the county level. The plan states the authority’s policies for land use and for development control and promotion in its area. Local Area Plans, the preparation of which has only become a statutory requirement since the 2000 legislation, are prepared for specific towns and areas within the remit of the planning authority. In line with the hierarchy of plans principle, the contents of the Local Area Plan must be in line with the policies contained in the city/county Development Plan.

⁵ The planning and environmental regulatory framework required these developments to comply with the Planning and Development Act (2000) and related regulations. The local authorities and An Bord Pleanála (National Planning Board) attached conditions relating to environmental management of these developments to planning permissions granted.

LUXEMBOURG

Luxembourg is divided into 3 Districts, (Diekirch, Grevenmacher, and Luxembourg) and further divided into 12 cantons and then 106 communes. The principal mineral extracted is limestone.

The spatial planning system in Luxembourg is based on three major laws:

- The Act of 21/05/1999 on spatial planning;
- The Act of 18/11/2004 on the development of cities and other significant agglomerations; and
- The Act of 19/01/2004 on the protection of the environment and the natural resources.

The Act of 21/05/1999 serves as the basis for spatial planning at a national level. It is the legal instrument, which enables the Government to influence spatial development on the national, regional and local level. The law places particular emphasis upon the efficient use of soil; landscape protection and the balanced development of urban and rural structures. It also highlights new priorities such as the contribution to the implementation of cross-border and interregional cooperation and protection against natural risks. The Act introduced the concept of sustainable development as the basic orientation of spatial planning.

The same national Act also provides for so-called "Guiding Regional Plans" which serve as a bridge between plans covering the whole country and municipalities' planning on the local level.

The 2004 law on environmental protection completes the planning system described above, and seeks to promote a balanced management of green areas. In contrast to building land as defined by municipal Land Use Plans, green areas are not available for urban development and any amendments to existing municipal plans affecting the green areas need the approval of the Minister of the Environment. Similarly human interventions such as economic activities (quarry, camping) or the construction of roads also need ministerial consent.

National

At the National level, Government takes a strong lead in economic development, rural planning, major public works, infrastructure projects and environmental protection.

The Department of Land Use Planning is responsible for:

- Land use planning;
- The implementation of the integrated concept of transport and territorial development (IVL);
- The management of natural reserves;
- The implementation of international; and interregional policies on land use planning.

Municipalities

At the municipal level, local authorities play an important role in the fields of local development, town planning and urban regeneration, and are responsible for planning under the terms of the 2004 Act. Municipalities enjoy a considerable degree of autonomy, and have responsibility for the preparation of Land Use Plans and legally binding Development Plans.

SWITZERLAND

Whilst not part of the EU, Switzerland has strong links to its surrounding countries. It has a population of just over 8 million. 73% of whom live in towns, cities or conurbations.

Physical geography means that only limited areas of Switzerland are suitable for settlement. Together with high standard of living levels and a long-standing highly developed economy this factor in particular has led to considerable competing land use pressure. The settlement pattern is polymorphic with numerous small and medium sized cities and towns which are typically subject to rapid expansion/urbanisation. At the same time, environmental and landscape protection are high priority issues in Switzerland in part given that tourism – a key sector of the Swiss economy – is in large part based upon the promotion of an unspoilt environment.

National Planning

The Federal Constitution of 1969, transferred responsibility for drafting and implementing framework spatial planning legislation to the Confederation/National level. Nevertheless sub-national differences in culture, politics and terrain were at the same time recognised with responsibility for practical delivery remaining at the Canton level as described below.

At a Confederation level, the Swiss Planning Act outlines targets, principles and tools for spatial planning, The Confederation is responsible for:

- Framework legislation;
- Promotion and co-ordination of cantonal spatial planning; and
- Taking account of spatial planning when fulfilling federal tasks.

Spatial planning is here defined as covering all issues which affect living space, and consequently, spatial planning law extends beyond the Federal Law on Spatial Planning, to numerous other laws on technical infrastructure (motorways, railways, aviation etc.); the protection of nature and the environment (Nature, Habitat Conservation, Water Pollution Control, Environmental Protection, Forests); aspects of housing law; agriculture; rural land laws; regional policy and tourism.

Planning at Canton and commune levels

Responsibility for implementing the Framework lies with the 26 cantons and 2780 municipalities.

Cantons have responsibility for:

- Enacting spatial planning and building regulations;
- Drawing up canton-wide structure plans (Richtplan in German, plan directeur in French);
- Devising land use plans (Nutzungsplan in German, plan d'affectation in French), consisting of binding provisions on how land may be used in practice. In practice, most cantons delegate this task to the communes because these have the requisite local knowledge. Many Cantons will however also provide cantonal land use plans for projects which are of significance for broader spatial planning policy, e.g. industrial zones or waste disposal sites; and
- Issuing building permits.

QUESTIONNAIRE EXERCISE 2013: topics & themes

In order to identify a set of key themes pertinent to the project, a questionnaire was drawn up in consultation with RESTORE project partners, and then completed and returned by them to Surrey County Council which was leading on this task. Its key purpose was to help set the context for the work to be undertaken with regard to how policy and practice interplay. It consisted of a mix of questions, ranging from the general to quite specific queries about particular topics such as past site restoration and enhancements.

A simplified version of the same questionnaire was circulated to all those attending the Project WP1 seminar held in Kingston upon Thames, Surrey in September 2013. The resulting responses were predominantly from UK based individuals and organisations and will be returned to later in the project as work continues and develops.

TOPICS AND THEMES EMERGING

a. Governance & Legislation

Respondents were asked to detail and contextualise relevant governance arrangements and legislation that applied within the relevant project partner areas. This has been incorporated into the Member State profiles above with external sources used to provide information in non-project Member States. The legislative and organisational frameworks in which different actors operate in different places will be a consideration when analysing the transferability and adaptability of best practice.

b. The Planning Process

Generally, restoration is considered at the very beginning of the extraction process and all project partner states undertake pre-application discussion as best practice.

It already seems clear that this early consideration of restoration potential could be developed further and further benefits realised from it. Amongst such benefits is the potential to explicitly plan for – and make the case for – broader and/or multiple contributions that extraction and restoration can bring to other policy agendas and practical plans. Interestingly, the Dutch system, with its requirement for restorations to be multi-purpose/meet other needs, virtually guarantees this early consideration will happen. Whether the system itself is fully replicable – or reflects very particular Dutch circumstances – is a moot point at this stage of the project.

A mixed picture emerges when considering where suggestions on restoration emanate: whether from regulatory authority or company. In reality a combination of both is probably the most common answer, but in a plan-led system the basics will invariably be set by a regulatory authority albeit in consultation with others. Responses make clear that all project partner states undertake consultation with local communities near mineral sites – and indeed will look upon this as valuable best practice.

As regards “short term aftercare” and “long term management”, there is some confusion over what the two terms actually mean and how they are used – and indeed in practice where one ends and the other begins. Nevertheless, it is clear that this is an area that needs more examination, in particular with regard to how restoration uses and benefits can be sustained successfully longer term – and what longer term means in different contexts.

One point of difference did emerge between project partner countries: In the UK older consents for existing working sites are subject to review to bring the requirements set out therein up to present-day standards. In the Netherlands this also occurs, where deemed necessary, but it appears not to happen elsewhere. The point is relevant not only in the obvious sense that it constitutes an additional process but insofar as it also has a practical bearing on how restoration work is done i.e. in accordance with standards that apply now as opposed to perhaps fifty years ago.

c. Land Use

Generally, across project partner states, sites are considered not just in isolation but in a wider context as groups of sites, depending on circumstances. This reflects the policy drive over the last decade in particular to look at matters on a more ‘landscape scale’. This has obvious inferences in terms of the scale and the degree of integration of restoration schemes into large scale pieces of work.

No clear pattern emerges from responses received as to whether single or multiple restoration land uses are preferred by regulatory authorities, operators and other interested parties. It seems to depend on the nature of the site and circumstances around the work being undertaken in any given location.

Multiple land use can lead to conflict. Respondents were therefore asked about any potential conflict between competing land uses through the planning system. From the responses received it is clear that more detail needs to be collected on this before any sort of meaningful analysis can be done.

Respondents were also asked as to how common or otherwise it is to have a site restored back to the use it had prior to extraction, or whether a new use is a more usual outcome. No pattern emerged in responses received and it again would appear to vary according to specific circumstances. The point is all the more pertinent in light of the shift away from landfill use – see next section.

When asked whether biodiversity is designed into all restorations or only those with a specific nature conservation purpose, the response was generally the latter. For example, in Flanders it applies only if nature conservation is the restoration use and would not apply in cases where the land was going to be put to agricultural use post-extraction. Conversely, UK legislation requires all development to make a positive contribution to biodiversity (albeit arguably not always applied). Quite clearly, here is scope here to develop best practice further.

d. Infilling with waste materials

There was once a time when the disposal of waste into former mineral sites was the most common end use to which sites were put. This has changed markedly in recent years and all partners reported a decline in the use of sites as repositories for waste materials. This shift no doubt reflects the impact of EU legislation/Directives and is now almost a dirty word at the very bottom of the waste hierarchy, and confirms the trend of increasingly living in a ‘no fill’ world, where “dry low level” or flooded restorations will dominate. The UK and Germany appear to still practice a small degree of infilling (albeit of inert material) whereas in the Netherlands and Belgium there is very little infilling at all nowadays.

e. Mineral Plans

It is probably this part of the exercise more than any other which shows most clearly that the exercise was UK led. When looking at respondents answers it became clear that certain UK-centric working assumptions had been made when shaping questions and the exercise usefully threw up some key points of difference in the reality of the situations in different places.

As a basic example of the above, there is clear divergence between respondents about just what is meant by a mineral plan. For UK respondents it is a land use plan specifically addressing mineral extraction with policy considerations embedded within. In Belgium, by contrast, it is more likely understood to be a resource plan, whilst in Germany a more operational type plan is probably the impression conveyed. Other respondents see it as a site-specific plan for working and restoration as opposed to a more policy oriented document.

The UK model of working with distinct “Mineral Plans” is clearly not the norm and elsewhere such plans are much more likely to be found integrated within a wider “Development Plan” or similar. For example, the type of process in use in Limburg Province in the Netherlands sees mineral extraction policy integrated within a wider spatial plan. It may be that this point of difference simply reflects the legal requirement placed upon English local authorities. At this stage we need only recognise the differences and make sure that these are understood in communication in the future.

Respondents were asked about the degree of consideration given to restoration in mineral plans – in other words how early, in whatever process might apply, is restoration explicitly considered and to what level of detail. UK plans for example will clearly identify sites for future working. In the sorts of broader plans used elsewhere the same thing happens. However, UK plans are increasingly specifying the anticipated type of restoration at this early stage whereas others do not necessarily do so and where they do, the degree of detail is typically less (or at least this is the case based upon materials seen to date).

Mineral plans will in many instances highlight the purpose to which restored land might be put post-extraction – for example as a contributor to a flood alleviation strategy or as part of work in creating a habitat corridor. The extent of detail as to end/restored land-use however varies markedly. In a small number of cases there is considerable detail of the envisaged result, whilst in other cases the land-use description may be very broad e.g. agriculture, nature conservation, recreation.

It is to be noted that past site restorations, (the local legacy of sites previously worked and restored and now to be revisited in same way given that previous standards of restorations have subsequently been improved upon) are in only a few instances explicitly referenced in plans. There are however exceptions to this general rule: in eastern Germany for example, the legacy of old brown coal sites is being addressed (a point highlighted in Brigitte Scholz's presentation at the RESTORE Mid Term Conference in Dortmund in June 2014). Similarly, reference has already been made to the explicit focus placed on past extraction sites in the latest National Planning Framework for Scotland. Examples of work addressing issues arising from the storage of spoil from deep mining as opposed to open cast mining are relatively easy to identify in various parts of England and Wales, North East and Eastern France, and parts of Germany.

Progressive restoration – by which is meant undertaking restoration work whilst working is going on as opposed to waiting for total completion – is a widely used approach, and much encouraged across all project partner countries and beyond. Its potential to minimise the adverse impact of mineral extraction is widely recognised. Its adoption as an instance of good practice – together with further analysis – might therefore be expected as the work of the RESTORE project goes on.

The concept of enhancements⁶ was not widely understood amongst respondents. Once explained, it became apparent that for all non-UK -and some UK- respondents this is an alien notion. In reality the sort of activity that the phrase is used to describe is happening in many places but without the term or concept being explicitly used or recognised. Where the approach is adopted, the added value it brings to an end restoration is broadly recognised as good practice.

As regards, non-operational land owned by mineral companies, it is apparent that this too is not generally addressed as an integral part of mineral plans. It does however already seem clear that inclusion would present opportunities to deliver a better landscape and has biodiversity and land use benefits. The ENCI quarry at Maastricht for example uses non-operational land to facilitate wider recreational links such as footpaths.

SUMMARY OF RESPONSES RECEIVED

What works well?

Factors that respondents associate with success include:

- Partnership working between sectors;
- Having the flexibility to change restoration work to meet changing circumstances;
- Restoration led approaches;
- Early discussions; and
- Understanding of problems.

In Belgian Flanders an independent commission advises the planning authority on restoration for agriculture, and for each type of mineral a commission with specialist input has been created. Interestingly, in the UK, regulatory planning authorities traditionally relied on governmental agricultural specialists for annual restoration site inspections, but this has been progressively cut back and no longer exists as a service.

What does not work well?

Factors that respondents have cited as obstacles or barriers include:

- Resistance to innovation or new ideas;
- Long term management being heavily dependent in the UK on voluntary sector when it comes to nature conservation restorations;
- The use of financial bonds in Scotland in the context of open cast coal extraction has attracted criticism;
- The lack of capacity on the part of regulatory bodies to monitor and enforce consents/permits;
- Instances where landowners specify /restrict operators on restoration prior to any involvement with the regulatory process; and
- Regulations/permits (particularly with reference to inert fill) scheme that restrict the scope of restoration.

Legislation: empowerment tool or inhibitor?

There is initial consensus that legislation empowers rather than inhibits good restoration.

⁶ Whereas restoration is the end use/design/landform that the mineral extraction site is returned to, "Enhancements" are other benefits that can be achieved or delivered whilst working towards the end restoration. For example the creation of sand faces for Sand Martin (*Riparia riparia*) to use as breeding colonies not only benefit the biodiversity of the site, but keep such birds away from operational faces and therefore benefit the operator too.

How could the process and the end restorations be made better?

A number of respondents have made the point that there is a need for more specialist advice and increased levels of specialist knowledge within both regulatory bodies and mineral extraction companies. Respondents see a need for parties to ‘think outside the box’ rather than follow a ‘tick box’ process, greater partnership working and communication, thinking at landscape and multi site scale, and increased provision for review and enforcement have all being offered as answers to this particular question.

INITIAL CONCLUSIONS

- There are both similarities and differences between the ways different Member States implement mineral planning and restoration, but a lot of good practice is already being followed, which we can all learn from and share.
- There are also discernible, shared, emerging trends such as a move away from the use of waste materials in restoration. Biodiversity off-setting, and ecosystem services are more and more coming to prominence, and the inclusion of biodiversity within all restoration plans is becoming the norm.
- A cautious initial impression is that we have a policy framework that enables rather than inhibits good mineral site restoration to be achieved. However, there are areas of detail, where this could be improved on, and these will be explored further within the RESTORE project.
- Many of the aspects of site restoration work highlighted in the earlier part of this section are generally accepted across the project partnership, and beyond, to represent good practice. As such, they have been validated as areas for the focus for the next piece of work to be developed as Report 1b.
- There is clear evidence of cause and effect between policy and on site implementation in different places. This is to be expected and is presumably to be deemed desirable. Sub national policy would at first glance seem to have as great an effect as that which is imposed from a higher level, but this point needs to be revisited and tested in future work within the RESTORE project.
- The more complex set of linkages between policy and legislation at EU level, their national transposition and implementation at the practical level remains to be explored more fully. The pattern of flow between these various dimensions will be more fully drawn out in the 1b report.
- Also to be explored further are the areas where different policies might potentially pull best practice in different – or even conflicting – directions. This is an element that the forthcoming 1b report will return to alongside a broader consideration of differences in emphasis and interpretation of EU level policy and how that in turn affects the quality of site restoration work across North West Europe.

SOURCES AND LINKS

EUROPEAN UNION

POLICY

For an introduction to Europe 2020 see:

http://ec.europa.eu/europe2020/index_en.htm

The Territorial Agenda 2020 (TA2020) is one of a number of downloadable documents at:

http://ec.europa.eu/regional_policy/what/cohesion/index_en.cfm

The 6th Territorial Cohesion report is on the Regional Policy section of the European Commission website at:

http://ec.europa.eu/regional_policy/sources/docoffic/official/reports/cohesion6/index_en.cfm

The 7th Environmental Action Plan has its own suite of pages on the DG Environment website at:

<http://ec.europa.eu/environment/newprg/index.htm>

The EU Biodiversity Strategy and movement towards its implementation has its own page on the EU Biodiversity Policy section of the DG Environment web pages:

<http://ec.europa.eu/environment/nature/biodiversity/comm2006/2020.htm>

Details of the Communication on the Thematic Strategy on the sustainable use of natural resources can be found at the legislation section of the EU Europa website:

http://europa.eu/legislation_summaries/environment/sustainable_development/l28167_en.htm

There is further related information and other documents and records of events at the Environment section of the same site:

<http://ec.europa.eu/environment/natres/>

The European Commission Strategy on Green Infrastructure and accompanying background information can be viewed on the Environment pages of the EU website:

http://ec.europa.eu/environment/nature/ecosystems/index_en.htm

LEGISLATION

Details of the legal background to the Environmental Impact Assessment (EIA) Directive and the Strategic Environmental Assessment (SEA) Directive can be found at:

<http://ec.europa.eu/environment/eia/eia-legalcontext.htm>

and

<http://ec.europa.eu/environment/eia/sea-legalcontext.htm>

The Habitats Directive and associated information can be found at:

http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

The Birds Directive has its own page in the nature and biodiversity section of the EU Environment website:

<http://ec.europa.eu/environment/nature/legislation/birdsdirective/>

The text of the Water Framework Directive and a considerable amount of related material is available on the Environment section of the EU website:

http://ec.europa.eu/environment/water/water-framework/index_en.html

The Floods Directive text and related documents can be found and downloaded at:

http://ec.europa.eu/environment/water/flood_risk/

Details of the Waste Framework Directive together with a series of sub-pages can be found at:

<http://ec.europa.eu/environment/waste/framework/>

The text of the Landfill Directive can be found here, at one of a set of pages relating to waste policy and legislation more generally:

http://ec.europa.eu/environment/waste/landfill_index.htm

For details of the legal background to the Industrial Emissions Directive (IED) and Integrated Pollution Prevention and Control (IPPC):

http://europa.eu/legislation_summaries/environment/soil_protection/ev0027_en.htm

and

<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421411258498&uri=URISERV:ev0027>

UK

The NPPF can be viewed at the Department of Communities and Local Government (DCLG) section of the UK Government website at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Details about MPSs can be found at the UK Government website resource:

<http://www.planningportal.gov.uk/>

A pdf version of the UK Biodiversity 2020 Strategy can be downloaded at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69446/pb13583-biodiversity-strategy-2020-111111.pdf

BELGIUM

European Environment Agency SOER 2010 Belgium land use report

http://www.eea.europa.eu/soer/countries/be/soertopic_view?topic=land

A report entitled “Mineral Resources in Flanders” (Flemish Department for Environment, Nature and Energy [LNE]) Sept 2010 is downloadable as a pdf at:

http://www.lne.be/en/earth-and-soil/pdf-en-fotos/nat_resourcesweb.pdf

Details in English regarding the Walloon regional spatial development perspective can be found at: (French, German and Dutch language versions are available from the same website).

<http://sder.wallonie.be/pages/ENmain.htm>

GERMANY

European Environment Agency SOER 2010 Germany land use report:

http://www.eea.europa.eu/soer/countries/de/soertopic_view?topic=land

The German Government’s Raw Materials Strategy can be found at:

<http://www.bmwi.de/English/Redaktion/Pdf/raw-materials,strategy,property=pdf,bereich=bmwi2012,sprache=en,rwb=true.pdf>

Technical detail of spatial planning and land use planning in Germany can be found in the document extract at:

http://newrur.grenoble.cemagref.fr/newrur_cd/doc_pdf/p3etape4_sp2com_gb.pdf

A glossary of terms used in the planning system in Germany can be found online in a document produced by the Academy for Spatial Research and Planning:

http://shop.arl-net.de/media/direct/pdf/ssd_7.pdf

For the MKRO’s document “Concepts and Strategies for Spatial Development in Germany” (German original: Leitbilder und Handlungsstrategien für die Raumentwicklung in Deutschland“). See:

http://www.bbsr.bund.de/BBSR/EN/Publications/BMVBS/SpecialPublication/2007_2009/ConceptsStrategies.html?nn=395434

An unofficial translation of the Act on Nature Conservation and Landscape

Management 2009 can be accessed at:

<http://www.eui.eu/Projects/InternationalArtHeritageLaw/Documents/NationalLegislation/Germany/federalnatureconservationact.pdf>

THE NETHERLANDS

The European Environment Agency SOER 2010 Netherlands land use report is at:

http://www.eea.europa.eu/soer/countries/nl/soertopic_view?topic=land

A profile of the Netherlands as part of a broader series “Overview of Spatial Planning in European & Asian Countries” can be found at:

http://www.mlit.go.jp/kokudokeikaku/international/spw/general/netherlands/index_e.html

The Government of the Netherlands website has a page in English on spatial planning at:
<http://www.government.nl/issues/spatial-planning-and-infrastructure/spatial-planning-in-the-netherlands>

A copy of the Natural Way Forward: Government vision 2014 can be downloaded at:
<http://www.government.nl/issues/nature-and-biodiversity/documents-and-publications/reports/2014/05/20/the-natural-way-forward-government-vision-2014.html>

For details of the Rijkswaterstaat in English see:
<http://www.rijkswaterstaat.nl/en/>

Mineral planning and restoration *A Dutch perspective*, Helma Brunenberg
 Province of Limburg (a PowerPoint presentation at RESTORE Policy Seminar 1, September 2013).

FRANCE

The European Environment Agency SOER 2010 France land use report
http://www.eea.europa.eu/soer/countries/fr/soertopic_view?topic=land

The National Biodiversity Strategy can be downloaded as a pdf at:
http://www.developpement-durable.gouv.fr/IMG/pdf/1_bis_-French_National_Biodiversity_Strategy_-_May_2011.pdf

LUXEMBOURG

The European Environment Agency SOER 2010 Luxembourg land use report is at:
http://www.eea.europa.eu/soer/countries/lu/soertopic_view?topic=land

The Council of Europe website currently hosts a document on the Luxembourg spatial planning system at:
http://www.coe.int/t/dgap/localdemocracy/cemat/Compendium/CompendiumLux_en.pdf

REPUBLIC OF IRELAND

European Environment Agency SOER 2010 Ireland land use report
http://www.eea.europa.eu/soer/countries/ie/soertopic_view?topic=land

The physical planning system in Ireland as described in a publication from Queens University Belfast
<http://www.qub.ac.uk/research-centres/span/FileStore/Papers/Fileupload,152760,en.pdf>

For an overview of mineral extraction see:
<http://www.mineralsireland.ie/Mining+in+Ireland/>

The EPA's "Ireland's Environment 2012; An Assessment is at:
http://www.epa.ie/pubs/reports/indicators/irelands_environment2012.html

The 2006 EPA guidelines on "Environmental Management in the Extractive Industry" can be downloaded at:
<http://www.epa.ie/pubs/advice/general/environmentalmanagementintheextractiveindustry.html>

SWITZERLAND

For a short introduction to spatial planning in Switzerland by the director of the Swiss Planning Authority see:
<http://vlp-aspan.org/files/documents/landusech.pdf>

Information on spatial planning in Switzerland taken from the Zurich canton website:
<http://www.are.zh.ch/internet/audirektion/are/de/service/international.html>

The European Environment Agency SOER 2010 Switzerland land use report is at:
http://www.eea.europa.eu/soer/countries/ch/soertopic_view?topic=land



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